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CESARI AND MCKENNA, LLP			CONTINO, PAUL F	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/072,140	Applicant(s) LAUTERBACH ET AL.	
	Examiner Paul Contino	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-37, 39-43 and 45-51 is/are rejected.  
7) ☒ Claim(s) 38 and 44 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 7 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed February 15, 2006, with respect to claims 1-10 and 16-34 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with the Applicant's remarks on pages 15-17 regarding Aguilar et al. (U.S. Patent No. 6,785,807) being silent concerning loading/executing of diagnostics code *in response to a command* instead of a normal boot routine. Aguilar et al. does disclose a command which causes the diagnostic code to be loaded and executed. This is disclosed in column 5 lines 47-57, where, in order for the boot sequence to fetch and execute an instruction resident in the compact flash card containing the diagnostics code, a command within data processing system 200 is necessary to initialize the fetching of the instruction.

2. Applicant's arguments with respect to claims 11-15 have been considered but are moot in view of the new grounds of rejection.

### *Claim Objections*

3. Claim 4 is objected to because of the following informalities: in line 2 "a input/output" is more properly "an input/output". Appropriate correction is required.

4. Claims 37 and 43 are objected to because of the following informalities: in line 2 “maintence” is interpreted as being more correctly spelled “maintenance”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-5, 7-8, 10, 16-20, 24-26, 28-29, 31, and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Aguilar et al. (U.S. Patent No. 6,785,807).

As in claim 1, Aguilar et al. discloses a file server system for a computer having a processor (*Fig. 1 #210*), a memory coupled to the processor (*Fig. 1 #216*), and a system bus to which the processor and memory are coupled (*Fig. 1 #212,220*), the computer being configured to implement a file system (*Fig. 1; column 3 lines 48-52*) comprising:

a storage operating system adapted to be executed by the processor (*column 4 lines 38-57*);.

a removable nonvolatile memory device coupled to the system bus, the removable nonvolatile memory device containing diagnostics code for the system (*Fig. 1 #262,218; column 4 lines 60-67 and column 5 lines 2-5; removable nonvolatile memory device 262 is interpreted as being coupled to the system bus 212 via core logic chipset 218*); and

a set of boot instructions resident in the filer server system including instructions for executing a normal boot routine upon a power-on of the system (*column 4 lines 40-42*), and including instructions enabling the processor to identify the removable nonvolatile memory device and to load the diagnostics code into the memory in response to a command to execute a diagnostics boot routine instead of the normal boot routine (*column 5 lines 47-60, where the execution of an initial startup instruction with an address mapped to the flash card 262 is interpreted as an execution the processor to execute a diagnostics boot routine*).

As in claim 2, Aguilar discloses the removable nonvolatile memory device is a compact flash, the compact flash being divided into a plurality of partitions with the diagnostics code residing in at least one of the partitions (*Fig. 1 #264,268; column 4 lines 58-67 and column 6 lines 29-30, where program 264 and program 268 are interpreted as residing in respective partitions*).

As in claim 4, Aguilar et al. discloses a[n] input/output device coupled to the system bus, and [in] which input/output device is identifiable by the processor (*Fig. 1 #260; column 4 lines 59-61; the flash connector 260 is inherently identifiable by the processor in order to transfer*

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*data from the flash card 262 to the RAM 216; the flash connector 260 is interpreted as being connected to the system bus 220 via core logic chipset 218); and*

*a second bus coupled between the input/output device and the compact flash (Fig. 1 #266) in such a manner that when the processor identifies the input/output device, the compact flash is, in turn, initialized and the diagnostics code is executed upon a command to run a diagnostics boot routine (column 4 lines 58-67 and column 5 lines 2-5 and 47-58).*

*As in claim 5, Aguilar et al. discloses a storage adapter coupled to the system bus (column 3 line 51 and column 4 lines 12-21, where the server is interpreted as a storage adapter connected to the system bus 220 via network interface 250); and*

*at least one storage disk coupled to the storage adapter and containing files served by the operating system (column 4 lines 40-57, where the applications are interpreted as files being served by the OS).*

*As in claim 7, Aguilar et al. discloses a motherboard upon which the processor, the memory, and the set of boot instructions reside (column 4 lines 2-5).*

*As in claim 8, Aguilar et al. discloses the removable nonvolatile memory device containing the diagnostics code is resident external to the motherboard, and the diagnostics code on the removable nonvolatile memory device is adapted to be upgraded or amended free of taking the system out of service (Fig. 1 #262, compact flash card external to the motherboard;*

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*system 200 is interpreted as not being dependent upon the compact flash card in order to operate, column 3 line 44 through column 4 line 57).*

As in claim 10, Aguilar et al. discloses said boot instructions reside in firmware (*column 4 lines 39-40, where the startup program boot instructions 214 reside in ROM firmware 214*).

As in claim 16, Aguilar et al. discloses a storage system for a computer configured to implement a file system (*Fig. 1; column 3 lines 48-52*), the storage system having a processor (*Fig. 1 #210*), a memory coupled to the processor and having memory locations addressable by the processor (*Fig. 1 #216*), a system bus to which the memory and the processor are coupled (*Fig. 1 #212,220*), an operating system adapted to be executed by the processor (*column 4 lines 40-41*), system firmware containing instructions for power-on self tests and a set of instructions for executing a normal boot routine upon a power-on of the system after a power-on self test is completed (*column 4 lines 39-42*), the storage system comprising:

means for storing a set of diagnostics instructions comprising diagnostics code, in a removable nonvolatile memory device coupled to the system bus, the removable nonvolatile memory device being identifiable to the system (*Fig. 1 #262,218; column 4 lines 60-67 and column 5 lines 2-5; removable nonvolatile memory device 262 is interpreted as being coupled to the system bus 212 via core logic chipset 218*); and

means for executing the diagnostics code in response to a diagnostics boot command received by system firmware (*column 5 lines 2-5 and lines 50-58*).

As in claim 17, Aguilar et al. discloses means for coupling the removable nonvolatile memory device to the processor in such a manner that the diagnostics code may be upgraded without taking the storage system out of normal service (*system 200 is interpreted as not being dependent upon the compact flash card in order to operate, column 3 line 44 through column 4 line 57*).

As in claim 18, Aguilar et al. discloses a means for upgrading the diagnostics code by interfacing with the storage system through an associated input/output interface (*column 5 lines 7-9, where the means for upgrading is available*).

As in claim 19, Aguilar et al. discloses [a] computer-readable medium operating on a computer in a network that includes one or more storage systems sharing volumes, the computer-readable medium including program instructions for performing the steps of:

initiating a power-on self test when the computer is powered-on (*column 4 lines 40-42*);

identifying devices present in the computer (*column 5 lines 15-25*);

in response to a successful power-on self test, commencing a normal boot routine (*column 5 lines 38-40*);

recognizing a command for a diagnostics boot (*column 5 lines 54-58*);

in response to the diagnostics boot command, probing devices to locate a removable nonvolatile memory device containing diagnostic boot instructions (*column 5 lines 54-58*); and

interrupting the normal boot routine and executing the diagnostics code for a diagnostics boot for the computer (*column 5 lines 50-60*).



As in claim 20, Aguilar et al. discloses further instruction to identify a compact flash as the removable nonvolatile memory device in which diagnostics code for the computer is stored (*column 4 line 58 through column 5 line 5, and column 5 lines 50-60*).

As in claim 24, Aguilar et al. discloses a diagnostic system for use with a storage system comprising:

a removable nonvolatile memory device interconnected with the storage system, wherein the removable nonvolatile memory device contain[s] boot diagnostic code that is loadable into the storage system as an alternative to a normal boot routine (*column 4 line 58 through column 5 line 5*).

As in claim 25, Aguilar et al. discloses the removable nonvolatile memory device further comprises a plurality of partitions (*Fig. 1 #264,268; column 4 lines 58-67 and column 6 lines 29-30, where program 264 and program 268 are interpreted as residing in respective partitions*).

As in claim 26, Aguilar et al. discloses the boot diagnostic code is contained within a first partition of the plurality of partitions (*Fig. 1 #268; column 6 lines 28-40*).

As in claim 28, Aguilar et al. discloses the removable nonvolatile memory device is a PC card (*column 4 lines 58-67, which is interpreted as a type of PC card*).

As in claim 29, Aguilar et al. discloses the removable nonvolatile memory device is a compact flash (*column 4 line 61*).

As in claim 31, Aguilar et al. discloses a file server system for a computer having a processor, a memory coupled to the processor, and a system bus to which the processor and memory are coupled, the computer being configured to implement a file system, the file system comprising:

a storage operating system adapted to be executed by the processor (*column 4 lines 38-57*);

a removable nonvolatile memory device coupled to the system bus, the removable nonvolatile memory device containing diagnostics code for the system (*Fig. 1 #262,218; column 4 lines 60-67 and column 5 lines 2-5; removable nonvolatile memory device 262 is interpreted as being coupled to the system bus 212 via core logic chipset 218*), the removable nonvolatile memory device also divided into a plurality of partitions with the diagnostics code residing in at least one of the partitions (*Fig. 1 #264,268; column 4 lines 58-67 and column 6 lines 29-30, where program 264 and program 268 are interpreted as residing in respective partitions*); and

a set of boot instructions resident in the filer server system including instructions for executing a normal boot routine upon a power-on of the system (*column 4 lines 40-42*), and including instructions enabling the processor to identify the removable nonvolatile memory device and to load the diagnostics code into the memory in response to a command to execute a diagnostics boot routine instead of the normal boot routine (*column 5 lines 47-60, where the*

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*execution of an initial startup instruction with an address mapped to the flash card 262 is interpreted as an execution the processor to execute a diagnostics boot routine).*

As in claim 33, Aguilar et al. discloses a separate storage medium, the separate storage medium storing a boot routine (*Fig. 1 #264,268; column 6 lines 28-30, where the separate storage medium is interpreted as partition 268*).

As in claim 34, Aguilar et al. discloses the separate storage medium is a partition on the removable nonvolatile storage device (*Fig. 1 #264,268; column 6 lines 28-30, where the separate storage medium is interpreted as partition 268*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9, 21-23, 27, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aguilar et al. in view of Orr (U.S. Patent No. 6,189,114).

As in claim 3, Aguilar et al. teaches partitions of a compact flash. However, Aguilar et al. fails to teach of partitions designated as a maintenance log. Orr teaches of partitions in a flash memory designated as a maintenance log into which test results and data are stored (*test results: column 7 lines 25-27; data: column 5 line 34*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the maintenance log as disclosed by Orr in the invention of Aguilar et al. This would have been obvious because Aguilar et al. discloses interchanging ROM with compact flash (*column 4 lines 63-65 and column 7 lines 2-5*) in a similar file server boot environment.

As in claim 9, Aguilar et al. teaches of code relating to the diagnostics of hardware devices (*column 5 line 60*). However, Aguilar et al. fails to disclose specific hardware devices. Orr teaches said diagnostic code includes code relating to the diagnostics of hardware devices including the processor, the memory, the buses, the adapters, the disks, a compact flash and interfaces thereof (*Fig 2, column 5 lines 35-43*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the hardware diagnostics as disclosed by Orr in the invention of Aguilar et al. This would have been obvious because Aguilar et al. discloses interchanging ROM with compact flash (*column 4 lines 63-65 and column 7 lines 2-5*) in a similar file server boot environment.

As in claim 21, Aguilar et al. teaches of diagnostic tests. However, Aguilar et al. fails to teach of saving diagnostic results in the compact flash. Orr teaches of saving diagnostic test

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results and other data in a predetermined address location in the nonvolatile memory associated with the computer (*test results: column 7 lines 25-27; data: column 5 line 34*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the saving as disclosed by Orr in the invention of Aguilar et al. This would have been obvious because Aguilar et al. discloses interchanging ROM with compact flash (*column 4 lines 63-65 and column 7 lines 2-5*) in a similar file server boot environment.

As in claim 22, Orr discloses the diagnostics boot command is initiated by a human maintenance operator (*Orr: column 5 lines 59-62; Aguilar et al.: column 7 lines 5-9 and 57-59*).

As in claim 23, Orr discloses the diagnostics boot command is initiated as an instruction in the computer readable medium upon the occurrence of a predetermined event (*column 5 line 56 through column 6 line 5, where the predetermined event may be interpreted as the flag defined in the CMOS*).

As in claim 27, Aguilar et al. teaches partitions of a compact flash. However, Aguilar et al. fails to teach of partitions designated as a diagnostic log. Orr teaches of partitions in a removable nonvolatile memory device comprising a second partition, the second partition storing a diagnostic log (*test results: column 7 lines 25-27; data: column 5 line 34*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the diagnostic log as disclosed by Orr in the invention of Aguilar et al.

This would have been obvious because Aguilar et al. discloses interchanging ROM with compact flash (*column 4 lines 63-65 and column 7 lines 2-5*) in a similar file server boot environment.

As in claim 30, Aguilar et al. teaches of a firmware boot routine. However, Aguilar et al. fails to teach of the firmware boot routine selecting between execution of a normal or diagnostic boot routine. Orr teaches a firmware boot routine (*Fig. 2, column 5 lines 17-19*), the firmware boot routine having a process for selecting between execution of either a normal boot routing or a diagnostic boot routine (*column 5 line 56 through column 6 line 5*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the diagnostic log as disclosed by Orr in the invention of Aguilar et al. This would have been obvious because Aguilar et al. discloses interchanging ROM with compact flash (*column 4 lines 63-65 and column 7 lines 2-5*) in a similar file server boot environment. Further, Aguilar et al. discloses both a normal boot routine and a diagnostic boot routine.

As in claim 32, Aguilar et al. teaches partitions of a compact flash. However, Aguilar et al. fails to teach of partitions designated as a maintenance log. Orr teaches of partitions in a flash memory designated as a maintenance log into which test results and data are stored (*test results: column 7 lines 25-27; data: column 5 line 34*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the maintenance log as disclosed by Orr in the invention of Aguilar et al. This would have been obvious because Aguilar et al. discloses interchanging ROM with compact flash (*column 4 lines 63-65 and column 7 lines 2-5*) in a similar file server boot environment.

\* \* \*

7. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orr in view of Aguilar et al., further in view of Hitz et al. (U.S. Patent No. 5,963,962).

As in claim 6, Orr discloses a file server system (*column 4 lines 32-34*) comprising:  
a storage operating system adapted to be executed by the processor (*column 5 lines 5-9*);  
a nonvolatile memory device coupled to the system bus, the removable nonvolatile memory device containing diagnostics code for the system (*column 5 lines 14-15 and 21-23*);  
a set of boot instructions resident in the file server system including instructions for executing a normal boot routine upon a power-on of the system (*Fig. 2, column 5 lines 17-19*), and including instructions enabling the processor to identify the nonvolatile memory device and to load the diagnostics code into the memory in response to a command to execute a diagnostics boot routine instead of the normal boot routine (*column 5 lines 56-59*);  
a storage adapter coupled to the system bus (*column 5 lines 2-4*);  
at least one storage disk coupled to the storage adapter and containing files served by the operating system (*column 5 lines 2-4*); and  
a plurality of disks coupled to the storage adapter (*column 5 lines 2-4*).

However, Orr fails to disclose a removable nonvolatile memory or a write anywhere file layout system. Aguilar et al. discloses a removable nonvolatile memory (*column 4 line 58*

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*through column 5 line 5). Hitz et al. discloses a write anywhere file layout system (column 5 lines 35-47).*

It would have been obvious to a person skilled in the art at the time the invention was made to have included the removable nonvolatile memory as taught by Aguilar et al. in the invention of Orr. This would have been obvious because Aguilar et al. discloses interchanging ROM with compact flash (*column 4 lines 63-65 and column 7 lines 2-5*) in a similar file server boot environment as that taught by Orr.

It would have been obvious to a person skilled in the art at the time the invention was made to have included a write anywhere file layout system as disclosed by Hitz et al. in the combined invention of Orr and Aguilar et al. This would have been obvious because the write anywhere file layout system as disclosed by Hitz et al. conserves system storage resources and preserves data integrity (*column 4 lines 20-27*). A write anywhere file layout storage system as disclosed by Hitz et al. adds a layer of fault tolerance to a system, similar to the inclusion of a RAID storage system as disclosed by Orr and Aguilar et al. (*Orr: column 5 lines 2-4*). Because the combined invention of Orr and Aguilar et al. does not limit his storage system to a RAID storage system, and the combined invention of Orr and Aguilar et al.'s functionality is not dependent on the particular type of storage system, it would have been obvious to have included a write anywhere file layout storage system in place of a RAID storage system.

\* \* \*



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8. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aguilar et al. in view of Piau et al. (U.S. PGPub 2004/0049627), further in view of Maupin et al. (U.S. Patent No. 6,477,482).

As in claim 11, Aguilar et al. teaches of a method of performing diagnostics in a filer server system, the filer server system having a processor, a memory coupled to the processor and having memory locations addressable by the processor, a storage operating system adapted to be executed by the processor, system firmware containing instructions for power-on self tests (*column 4 lines 39-42*), a set of boot instructions including instructions for executing a normal boot routine upon a power-on of the system after the power-on self test is completed (*column 4 lines 39-47*), the method comprising the steps of (*Fig. 1; columns 3 and 4*):

(A) providing a removable nonvolatile memory device interfaced with the motherboard, the removable nonvolatile memory device being identifiable to the processor (*Fig 1 #260; column 4 lines 58-67*);

(B) the removable nonvolatile memory device having separate memory partitions (*Fig. 1 #264,268; column 4 lines 58-67 and column 6 lines 29-30, where program 264 and program 268 are interpreted as residing in respective partitions*);

(C) storing a set of diagnostics instructions, being a diagnostics code, in one of the partitions of the removable nonvolatile memory device (*Fig. 1 #264,268; column 4 lines 58-67 and column 6 lines 29-30, where program 264 and program 268 are interpreted as residing in respective partitions*); and

(D) programming the system firmware to recognize a command for a diagnostics boot such that in response to the diagnostics boot command, the firmware loads the diagnostics code residing in the removable nonvolatile memory device into the memory to execute a diagnostic boot routine instead of a normal boot routine (*column 5 lines 47-58, where the execution of an initial startup instruction with an address mapped to the flash card 262 is interpreted as an execution the processor to execute a diagnostics boot routine*).

However, Aguilar et al. fails to teach of dividing the removable nonvolatile memory device into separate memory partitions or recognizing a user implemented command entered during the normal boot routine. Piau et al. teaches of dividing the removable nonvolatile memory device into separate memory partitions (*paragraph [0005] lines 1-5, paragraph [0022], and paragraph [0031]*). Maupin et al. teaches of a user implements command entered during the normal boot routine in order to enter a diagnostics mode (*column 4 lines 58-64, column 5 lines 2-7 and lines 55-56, and column 6 lines 2-8, where the depressing of a power button by a user is interpreted as a user implemented command*).

It would have been obvious for a person skilled in the art at the time the invention was made to have included the partitioning of memory as taught by Piau et al. in the invention of Aguilar et al. This would have been obvious because the invention of Piau et al. offers a time efficient compact flash card interface (*paragraphs [0007] and [0009]*) capable of storing data to be downloaded to a host system similar to the environment as taught in Aguilar et al.

It would have been obvious for a person skilled in the art at the time the invention was made to have included the user implemented command as taught by Maupin et al. in the

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combined invention of Aguilar et al. and Piau et al. This would have been obvious because the invention of Maupin et al. minimizes the amount of physical resources necessary for a computer system, which in turn saves space and money (*column 3 lines 12-18*). Further, the invention of Maupin et al. interfaces a thin client (*column 6 line 57*) with an external nonvolatile memory (*mp3 player/CD ROM, column 6 lines 7-8*) in similar to the memory and thin client environment as taught by Aguilar et al.

As in claim 12, Piau et al. teaches of maintaining, in a separate partition of the removable nonvolatile memory device, a maintenance log into which diagnostic test results data and data about the storage system are stored (*paragraph [0023], where the drive information table is interpreted as a maintenance log*).

As in claim 13, Aguilar teaches of a compact flash (*column 4 lines 58-67*).

As in claim 14, Aguilar teaches of a compact flash card (*column 4 lines 58-67, which is interpreted as a type of PC card*).

As in claim 15, Aguilar et al. teaches of a method to keep the system operational during an upgrade (*system 200 is interpreted as not being dependent upon the compact flash card in order to operate, column 3 line 44 through column 4 line 57*).

\* \* \*

9. Claims 35, 40, 41, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aguilar et al. in view of Beyda et al. (U.S. Patent No. 6,012,130), further in view of Maupin et al.

As in claims 35, 41, and 47-50, Aguilar et al. teaches of a computer having a processor and a main memory (*Fig. 1*), the computer comprising:

a non-removable non-volatile memory device containing a boot mechanism firmware, the boot mechanism firmware configured to provide a normal boot routine and select a first drive to boot from (*column 4 lines 39-47, where ROM 214 is interpreted as a non-removable non-volatile memory device and the remote server is interpreted as inherently having a drive containing an OS*);

a user interface configured to allow a user to enter a command to run a diagnostic routine (*column 7 lines 2-9*); and

a removable non-volatile memory device storing the diagnostic routine (*column 4 lines 59-67 and column 5 lines 2-5*), at least a portion of the removable non-volatile memory device configured as a second drive, the boot mechanism firmware configured to, in response to a command, select the second drive to boot from and load the diagnostics routine into main memory (*Fig. 1 #262; column 5 lines 2-5 and lines 50-57*).

However, Aguilar et al. fails to teach of logical drives or a user's command for loading a diagnostics routine from a separate drive. Beyda et al. teaches of logical drives (*Fig. 2 #s 112, 116; column 4 lines 36-52, column 5 lines 40-42, column 6 lines 47-59, and column 7 lines*

*17-18, where it is interpreted that a flash card drive would be designated as a logical drive in a similar fashion as the CD ROM drive). Maupin et al. teaches of a user command entered during a normal boot routine in order to enter a diagnostics mode run from a second drive (column 4 lines 58-64, column 5 lines 2-7 and lines 55-56, and column 6 lines 2-8, where the depressing of a power button [user interface] by a user is interpreted as a user implemented command which interrupts a normal boot routine).*

It would have been obvious to a person skilled in the art at the time the invention was made to have included the logical drive designation as taught by Beyda et al. in the invention of Aguilar et al. This would have been obvious because the invention of Beyda et al. minimizes time, errors, and necessary user knowledge (*column 9 lines 60-65*). Further, it is well-known in the art to reference media storage drives using a logical designation.

It would have been obvious for a person skilled in the art at the time the invention was made to have included the user implemented command as taught by Maupin et al. in the combined invention of Aguilar et al. and Beyda et al. This would have been obvious because the invention of Maupin et al. minimizes the amount of physical resources necessary for a computer system, which in turn saves space and money (*column 3 lines 12-18*). Further, the invention of Maupin et al. interfaces a thin client (*column 6 line 57*) with an external nonvolatile memory (*mp3 player/CD ROM, column 6 lines 7-8*) in similar to the memory and thin client environment as taught by Aguilar et al.

As in claims 40 and 46, Aguilar et al. teaches the removable non-volatile memory device is a compact flash (*column 4 line 60*).

\* \* \*

10. Claims 36, 39, 42, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aguilar et al. in view of Beyda et al., further in view of Maupin et al., further in view of Piau et al.

As in claims 36 and 41, the combined invention of Alguilar et al., Beyda et al., and Maupin et al. teaches of the limitations of claims 35 and 42, respectively. However, the combined invention of Alguilar et al., Beyda et al., and Maupin et al. fails to teach of memory partitions. Piau et al. teaches of a removable nonvolatile memory device having a memory partitions (*paragraph [0005] lines 1-5, paragraph [0022], and paragraph [0031]*).

It would have been obvious for a person skilled in the art at the time the invention was made to have included the partitioning of memory as taught by Piau et al. in the combined invention of Alguilar et al., Beyda et al., and Maupin et al. This would have been obvious because the invention of Piau et al. offers a time efficient compact flash card interface (*paragraphs [0007] and [0009]*) capable of storing data to be downloaded to a host system similar to the environments as taught in the combined invention of Alguilar et al., Beyda et al., and Maupin et al.

As in claims 39 and 45, the combined invention of Alguilar et al., Beyda et al., and Maupin et al. teaches of the limitations of claims 35 and 41, respectively. However, the combined invention of Alguilar et al., Beyda et al., and Maupin et al. fails to teach of configuring

or modifying contents of the removable non-volatile memory. Piau et al. teaches of configuring/modifying contents of a removable nonvolatile memory (*paragraph [0022]*).

It would have been obvious for a person skilled in the art at the time the invention was made to have included the configuring/modifying of memory as taught by Piau et al. in the combined invention of Aguilar et al., Beyda et al., and Maupin et al. This would have been obvious because the invention of Piau et al. offers a time efficient compact flash card interface (*paragraphs [0007] and [0009]*) capable of storing data to be downloaded to a host system similar to the environments as taught in the combined invention of Aguilar et al., Beyda et al., and Maupin et al.

\* \* \*

11. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aguilar et al. in view of Beyda et al.

As in claim 51, Aguilar et al. teaches of boot instructions configured to boot from a drive associated with the removable nonvolatile memory device. However, Aguilar et al. fails to teach of a logical drive. Beyda et al. teaches of a logical drive associated with a removable nonvolatile memory device (*Fig. 2 #s 112, 116; column 4 lines 36-52, column 5 lines 40-42, column 6 lines 47-59, and column 7 lines 17-18, where it is interpreted that a flash card drive would be designated as a logical drive in a similar fashion as the CD ROM drive*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the logical drive designation as taught by Beyda et al. in the invention of

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Aguilar et al. This would have been obvious because the invention of Beyda et al. minimizes time, errors, and necessary user knowledge (*column 9 lines 60-65*). Further, it is well-known in the art to reference media storage drives using a logical designation.

\* \* \*

12. Claims 37 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aguilar et al. in view of Beyda et al., further in view of Maupin et al., further in view of Austen et al. (U.S. Patent No. 6,701,464).

As in claims 37 and 43, the combined invention of Aguilar et al., Beyda et al., and Maupin et al. teaches of the limitations of claims 35 and 41, respectively. However, the combined invention of Aguilar et al., Beyda et al., and Maupin et al. fails to teach of an additional portion allocated to a maintenance log. Austen et al. teaches of a non-volatile memory which stores a maintenance log in response to a diagnostic routine (*Fig. 1 #18; column 1 lines 42-43 and column 2 lines 14-15 and 36-37*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the log partition as taught by Austen et al. in the combined invention of Aguilar et al., Beyda et al., and Maupin et al. This would have been obvious because the invention of Austen et al. increases the overall fault tolerance of a logically partitioned system (*column 1 lines 54-55*).



*Allowable Subject Matter*

13. Claims 38 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The inclusion of configuring a memory partition where a maintenance log is stored as a third logical drive, when read within the remainder of the limitations of the claims, makes claims 38 and 44 allowable over the prior art.

*Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFC  
4/3/2006

  
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